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ABSTRACT

The self instructional package is designed to give parents information on PL 94-142, The Education for All Handicapped Children Act, and the rights of parents, especially as they relate to the child's Individualized Education Program (IEP). Information presented includes how the parent can help plan the child's educational program, the processes required by PL 94-142, the parts and content of the IEP. Topics covered in the pamphlet include participants in the IEP conference, determining present levels of student performance, setting goals and objectives, criteria for evaluation, the least restrictive environment, signing the completed form, after the IEP conference, and major checkpoints. Each section is followed by a short self-quiz. Also included are addresses of 10 relevant agencies and organizations as well as 11 additional resources, primarily on deafness and the IEP. (DB)

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A Parents' Guide to the:

Individualized Education Program (IEP)

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A Parent's Guide to the Individualized Educational Program

Contents

Preface 1
Introduction to PL 94-142 3
The Individualized Education Program 5
Participants in the Meeting 8
Present Levels of Educational Performance 11
Goals and Objectives 14
Criteria for Evaluation 20
The Least Restrictive Environment 22
Signing the Completed Form 23
After the IEP Conference 25
Major Checkpoints 26
Self-Check 27
Conclusion 30
Agencies and Organizations 31
Additional Resources 32
Answers to Self-Check 33

A Parents' Guide to the Individualized Education Program

Preface

The heart of Public Law 94-142 (Education for All Handicapped Children Act of 1975) is that a free, appropriate, and individualized education be made available for each handicapped child at no cost to the parents. PL 94-142 creates a new role for parents calling for more parental involvement in the educational program of their children. The law also protects the parents and gives them certain rights. The child's program is determined by an ***Individualized Education Program*** (IEP) which, according to the intent of the law, should be developed jointly by the child's parents, the school, and, where appropriate, the student.

This self-instructional package is designed to give information on PL 94-142 and the rights of parents, especially as they relate to their child's IEP.

The information in this guide will give you:

1. An overview of PL 94-142 and your rights under this law
2. Information on the *Individualized Education Program*
   - How you can help plan your child's educational program
   - The processes required by PL 94-142
   - The parts and contents of the IEP
3. The ability to participate appropriately and fully in the IEP development process.

The information in this guide is presented step by step. Each section is followed by a short self-quiz. **It is recommended that you complete each self-quiz and check your answers before proceeding to the next section.** If your answers are different from the given answers, it is recommended that you read the section again.

Other resources that will help you are: copies of PL 94-142 Law and Regulations, a copy of your state's plan for PL 94-142, some reference publications (page 32), and an understanding of the policies and programs related to handicapped children.

For more information, call or write: Outreach, Pre-College Programs, Gallaudet College, Washington, DC 20002; (202) 651-5000, TDD or voice.

These materials were originally developed in 1976 by Roslyn Rosen, Ed.D., Gallaudet College PL 94-142 Program.

Revised in 1986 by Margaret Hallau, Ph.D. and Mary Abrams, Pre-College Center for Curriculum, Outreach, and Training, Gallaudet College.

Introduction to PL 94-142

Free public education is as American as apple pie and motherhood or hot dogs and baseball. Among the most important rights of our American heritage are the free public education and compulsory education laws which provide opportunities for every child to learn and develop academically, socially, and emotionally into a self-supporting self-determining citizen of our society.

The Education for All Handicapped Children Act was signed into law by President Gerald R. Ford on November 29, 1975. This law required the states to start, expand, and improve educational programs for handicapped children, beginning October 1, 1977.

State educational agencies (SEAs) and local educational agencies (LEAs) *receive federal funding based on a count of the handicapped children* served in their area. Priority for using the money is given first to children who are not served and second to children who are inadequately served, meaning that they receive some but not all the special education and related services that they need.

Civil Rights Guaranteed by PL 94-142

Public Law 94-142 has been called a "Civil Rights Act for the Handicapped" because it provides **seven basic civil rights guarantees** to handicapped children and their parents, as follows:

1. *Right to an Education*
   PL 94-142 says that any child is capable of benefitting from an education; consequently there is no reason to deny educational opportunity to any child.
2. *Right to a Free Education*
   Some families have had to pay for special services or programs needed for their children. Costs included, for example, special tutoring or therapy, transportation, tuition, board and room in private settings, and so on.

   PL 94-142 says that the state must pay for education for all its children, whether normal or handicapped, so that there will be no financial barriers to educational opportunities.
3. *Right to an Appropriate Education*
   Of the eight million handicapped children, four million were reported inadequately or inappropriately served. This means that they were either not getting all the special support services needed or not receiving the right kind of services or programs.

PL 94-142 requires that an individualized educational program (IEP) be developed for and provided to each handicapped child at no cost to the parents. This is the heart of the law.

The IEP serves two basic purposes. First, it is the blueprint for the child's educational program. It specifies goals, services and evaluation criteria for each child. Second, it helps to determine the proper educational placement for the child that will best accomplish that child's educational goals as stated in the IEP.

4. *Right to Least Restrictive Environment (LRE)*

The reasoning behind the phrase "least restrictive environment" is that education with non-handicapped children is desirable if it benefits the child.

The right to least restrictive environment in PL 94-142 gives the handicapped child equal opportunity to learn in a setting that would best lead to academic, social, and emotional maturity.

5. *The Right to Due Process*

PL 94-142 gives new rights to parents or legal guardians of handicapped children, which include the right to be *informed* of all educational decisions regarding identification, evaluation, placement, and programming for their children, the right to *participate* in educational decision-making, to *accept or reject* findings, decisions, or recommendations, and to *challenge* such through due process procedures. Due process meetings give the parents and school opportunity to present their sides fairly.

6. *The Right to Confidentiality*

This is based partly on the Buckley Amendment, which assures that confidential or identifiable data will not be shared inappropriately or without the written consent of parents or guardians. This protection is for all information in files, evaluation results, due process outcomes, LEA reports, and state reports.

7. *The Right to Non-Discriminatory Testing*

For many years, little recognition was given to the influence of "minority" cultures or languages on the test performance of exceptional children. Incorrect placements into special classes and inappropriate classes, and consequently, lowered expectations for these children, have been the results of tests that discriminate against children who did not have white middle-class values or who did not have good English.

PL 94-142 requires that tests not discriminate on the basis of race, culture, language, or communication method. Tests must be appropriate and validated for that type of handicap. The evaluator must be fluent in the child's native language or use an interpreter. The evaluator must be certified and qualified to do the job.

The Individualized Education Program (IEP)

The Individualized Education Program (IEP) is one way in which parents and students exercise their rights under Public Law 94-142. The IEP is also the primary way for schools to be held responsible for the education of each of their handicapped students. The law describes the IEP clearly.

> "(19) The term 'individualized education program' means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of each child, and, whenever appropriate, such child, which statement shall include (A) a statement of the **present levels** of educational performance of such child, (B) a statement of **annual goals,** including short-term instructional **objectives,** (C) a statement of the specific educational **services** to be provided to such child, and the extent to which such child will be able to participate in **regular educational programs,** (D) the projected **date** for initiation and anticipated duration of such services, and appropriate **objective criteria** and **evaluation** procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved."[1]

The IEP Is A Written Statement

An Individualized Education Program must be written for every handicapped child. The IEP is a written statement of the student's needs and the school's plans to meet those needs. The IEP can be reviewed and revised as needed.

[1] From Education for All Handicapped Children Act of 1975 Sec. 4 (a) Section 602 of the Act (20 U.S.C. 1402) as amended.

Your child's school has an IEP form that will be used in the IEP conference to record the written statement required by the Public Law. IEP forms will vary from school to school or state to state, but they will contain the same basic features: present performance level, goals, objectives, special services, dates, and evaluation criteria. You can ask for a blank IEP form from your child's school.

The requirement that the IEP be written provides a common base for school-home communication. It will greatly increase the amount of paperwork for both the school and parents. This disadvantage is small compared to the advantage of better communication and greater accountability. The IEP conference must be in the parent's native language or mode of communication, or the school will have to hire an interpreter for the conference.

SELF-CHECK: CIRCLE THE APPROPRIATE ANSWERS (Answers on page 33)

1. An Individualized Education Program (IEP)
   a. means one teacher working with one handicapped child.
   b. means a masterplan for the handicapped child's educational programming.
   c. means special class for the handicapped child.
2. An Individualized Education Program (IEP)
   a. is a written plan.
   b. is an oral agreement.
   c. is developed only at the request of a parent.

CHECK YOUR ANSWERS BEFORE PROCEEDING (PAGE 33)

The IEP Conference

The IEP will be perhaps the most important document in education because it involves important people. The idea of parents and school representatives sitting down together to plan a child's education program is another way that the new Public Law gives parents the right to be involved. This is a new concept — very different from the parent-school conference of the past where the school talked and the parent listened. The emphasis here is on **joint** participation. Both parents and school representatives have contributions to make in deciding on a child's program. The IEP should **not** be something the school writes for the parents to accept or reject without discussion. The IEP should **not** be something sent by the school for the parent to sign. The school must make efforts to include parents in the actual development of the IEP.

The law requires that the IEP be developed and written in the meeting itself but the complexity of the IEP makes it impossible and unwise for those involved to begin with a blank piece of paper. Parents and school representatives need information on which to make decisions. They also need

guidelines reflecting the law. The school will prepare some parts of the IEP before the meeting and will provide information, forms, and materials to help the group make good decisions. The child's educational program, including what he/she will learn and what services are necessary for that program, is a joint decision that will be made in the meeting itself.

SELF-CHECK: CIRCLE THE APPROPRIATE ANSWERS. (Answers on page 33)

3. The development of the IEP should be
   a. done by the teacher and then shown to parents so they can agree or disagree.
   b. a joint developmental activity by both the school and parents in a meeting.
   c. sent home for parents to sign or to refuse to sign.

Participants in the Meeting

Local Educational Agency (LEA) Representative

The LEA representative must be qualified to provide or supervise the special education of the child. Often, this means the representative must meet the state certification requirements for various handicapping conditions. In the case of a hearing impaired child, the representative should be certified in education of the deaf, speech pathology or audiology. Although it is not specifically required, it is preferable to have a supervisor, principal or administrator responsible for scheduling and conducting the IEP conference. This will help ensure that everything is completed during the meeting and, after the meeting, that all the forms are filed and progress is recorded during the year. If your child's school is not a school in the local district (your neighborhood or county), then the LEA *may* arrange to review your child's completed IEP to assure that your child will receive an appropriate education.

Teacher

The teacher is usually the person at school who works most with a child on a daily basis. The teacher who will be responsible for your child's educational program or who knows your child will be in the conference to help develop an appropriate IEP. If your child has more than one teacher, usually only one will come to the meeting but will bring information from the other teachers.

Parent(s) or Legal Guardian(s)

One or both parents or guardians should be in the IEP conference. They are there to represent not only themselves, but the child. If there are no parents or if the parents are unavailable, the school may either arrange for surrogate parents to attend the conference or go ahead without the parents.

The law specifies that parents or guardians will participate in the conference. In some situations, a child may be living with foster parents or relatives who do not have the final legal authority for the child. The school may invite the foster parents the child lives with, plus the parent(s) or guardian(s) to attend the IEP conference.

The school will contact all parents and guardians to arrange for a conference about their child. The school must:

1. Notify the parents of the meeting in advance. The notice must state the purpose, time, and location of the meeting and who will be in attendance. This notice should be in writing.
2. Schedule the meeting at a time and place which will be mutually agreeable to both the parents and the school.
3. Provide an interpreter for parents who are deaf or who do not speak English.

If the parents cannot attend, the school can attempt to involve parents by telephone, mail, or personal visits, and must keep records of all such attempts.

If parents or guardians still do not respond or come to scheduled conferences, the school will then plan the child's IEP without parent involvement. The school must make every effort to involve parents, but it also has the responsibility to educate the child. Long delays in planning are not good for the child.

The Child (if appropriate)

The law says that if it is appropriate the child shall participate in the conference. This should mean real participation. If a child can understand some of what is happening in the meeting and if he/she is able to participate, it would be good to have the child at the meeting. That way, the child would have the opportunity to help make the decisions that directly affect him/her. The reason for the IEP and the child's role should be explained to the child prior to the meeting. If, because of age or poor skills, a child could not understand the purpose and discussion of the meeting, it may be better if he/she did not attend. The school or the parent may recommend whether the child participates or not. (Note: if your child will be the only hearing impaired person at the IEP conference, it is recommended that you request the school to provide an interpreter for him/her in order to increase your child's understanding and participation, even though the law does not require this for the child as clearly as for the parents in the IEP meeting.)

No other participants are required by law, but others may attend if either the parents or the school feel they would contribute to the meeting. Before the IEP conference takes place, parents and school will have the opportunity to suggest additional participants. The school or parents may include a speech specialist, counselor, social worker, grandparents, babysitter, other teacher(s), another parent, resource persons in special education, audiologist, psychologist, and so on.

SELF-CHECK: CHECK THE APPROPRIATE ANSWERS. (Answers on page 33)

4. The law says that the following persons can participate in an IEP Conference. Indicate whether the following persons *must* or *may* attend.

MUST	MAY		
_____	_____	a.	Child's teacher
_____	_____	b.	Administrator of your child's school
_____	_____	c.	Representative of the local educational agency
_____	_____	d.	Audiologist
_____	_____	e.	Parent
_____	_____	f.	Parent's friend
_____	_____	g.	Child for whom IEP is being developed
_____	_____	h.	Psychologist

5. Which of the following excerpts from sample letters properly follows the intent of PL 94-142? (circle one)

   a. Your child has been diagnosed as hearing impaired, and we would like to have a conference with you at 9:00 a.m.,

Sept. 20, in our school, Room 103, to discuss your child's education program and to have you sign some papers.

b. Enclosed you will find a copy of your child's Individualized Education Program, which was written by your child's teacher. If you agree, please sign it and return it within 10 days. If you do not agree, please call us for a conference.

c. We would like a conference with you to develop an Individualized Education Program for your child, at 9:00 a.m., September 20, in our school, Room 103. You, as a parent have the right to participate in joint educational decisions affecting your child. Other people who will be on this educational team include Ms. Principal, Ms. Teacher, and Mr. Counselor. We also encourage your child to attend this meeting. Is there anyone else you also wish to be present? If the time, date, or place is not convenient for you or if you have questions, let us know.

6. If the parents (or legal guardians) do not attend an IEP meeting,

   a. the school can't develop an IEP and provide a program for the child until they can get the parent's signature on the IEP form.

   b. the school must record all its contacts with the parents (letters, phone calls, and/or personal visits); then the school can go ahead with the IEP without the parents' signature.

   c. the school can go ahead with the IEP and its implementation, but would be in trouble because PL 94-142 says that parents must participate in the development of their child's IEP.

CHECK YOUR ANSWERS BEFORE PROCEEDING (PAGE 33)

Present Levels of Educational Performance

Public Law 94-142 says that all handicapped children will be evaluated on a regular basis. The assessment information is used to develop an educational program to fit the child's present abilities and needs. Tests must be valid for the child's handicap and cover all the important skills. The evaluators must be certified and trained. At least one member of the assessment team must also be skilled in working with hearing impaired children and interpreting their test results. The tests *must* be given in the child's native language or mode of communication. Certain kinds of testing must be done on an individual, not a group, basis. The above key concepts are in the law and are important for parents of handicapped children to know.

The law itself promises a fair assessment for handicapped children. Parents must be given 1) notice, and opportunity to approve or reject, prior to any individual testing of their child and 2) information on test results and interpretations. Parents may challenge the school and ask for an independent evaluation if they feel their child was not fairly or accurately evaluated. If an impartial hearing officer agrees with the parents' complaint, then the school, LEA, or state must pay for an independent evaluation of the child.

What Does the Law Require for Assessment?

1. *Non-discriminatory testing*

Test materials or procedures *must not* discriminate against the child because of race or culture. This is stated in the law. Tests must be valid for the purpose they are being used. The reality of the situation is that very few tests are validated on hearing impaired children. So the tester may be limited to a few validated instruments.

2. *Native Language or Mode of Communication*

The law states that all test materials and procedures must be administered to the child in his/her native language or mode of communication (if feasible). For hearing impaired children who must rely on unusual communication modes like speechreading, sign language, or the printed word, this provides an excellent safeguard. However, there are some questions parents and professionals will have to consider:

- Who will judge when to use the child's native language or mode of communication? On what basis?
- How will it be determined what the child's mode of communication is? On what basis? Who will decide? Is a pretest or screening needed to determine the most suitable mode of communication before testing begins?
- How fluent should an evaluator be in the child's mode of communication or native language?
- What effect will an interpreter have on the testing situation, especially the relationship between the tester and the child?

At this time, there are no easy answers to these questions. Fair evaluations of deaf children may depend on these issues.

3. *No single procedure shall be the sole criterion for determining an appropriate program.*

The use of a single test or kind of test for determining placement is dangerous because tests should be guides, not decision makers. The assessment usually should not be limited to only one area of performance. Other kinds of information such as background and observation of behaviors should be included along with test data for a complete assessment picture of the child.

It is clear that all information important for educational placement and programming of an individual child must be included. The kind of information will vary, because of different school settings and/or previous education history. For example, information on a preschooler may focus on basic development and behaviors, while information on a high school student may include information on achievement in the subject areas, language, communication, behavior, school transcripts, and grades.

One important part of the IEP is a statement of your child's present level of ability — what the child knows and can do. This may include your child's present ability in the following areas: language, reading/writing, social studies, mathematics, science, speech, hearing, lipreading, signs, social skills and behavior, physical skills, psychological adjustment, handwriting, and elective courses (if applicable).

Your school should prepare a statement of your child's present levels of ability before the IEP meeting. The school should be able to show information, test results, reports, etc. to support the assessment of your child's ability. For

example, if the mathematics teacher wrote that your child was presently able to write numbers from 0 to 100 in sequence and add two-digit numerals without regrouping, that statement should be supported with records or test results. Your child's present level of ability then becomes the basis for deciding educational goals, objectives, and needs for special services.

As a parent, you have the right of access to all information on your child in the files at no cost. Before an IEP conference, you will want to review all records on your child so that you will know your child's present level of educational performance. Appropriate school personnel will also answer your questions about the information in the files. You can start this procedure by submitting a written request to see your child's records, and the school must respond within 45 days.

SELF-CHECK: CIRCLE THE APPROPRIATE ANSWERS. (Answers on page 33)

7. A clear and complete assessment of your child is needed to
   a. show that he/she must be in school.
   b. prove that he/she has problems.
   c. become a basis for planning his/her educational program (goals, objectives, and services).

8. Circle the appropriate answer(s): PL 94-142 says that
   a. tests must not discriminate because of race or culture.
   b. tests must be valid for the purpose they are being used.
   c. tests must be given in the child's native language or mode of communication.
   d. parents must be given prior notice of individual testing of their child.
   e. parents have a right to disagree with the results of their child's evaluation and to get another evaluation.
   f. all of the above.
   g. none of the above.

9. Which of the following do *not* describe the child's present level of functioning?
   a. Johnny has an 80 db hearing loss in the better ear unaided.

b. Dick has a high pitched voice and poor breath control.
c. Sara will be able to identify the parts of a plant.
d. Suzy is able to write simple sentences showing subject, verb, and object. However, she does not use articles.
e. Steve can multiply three digit numbers.
f. Wendy will be able to concentrate and work independently on school work at intervals of 10 minutes.
g. Tiffany shows a preference for individual play; she avoids social contacts.
h. Sandy's IQ score is 109.
i. Ellen's parents are blue-eyed.
j. Jenny reverses alphabet letters (b, d, g, p, q, s).
k. Bob will not read independently; however, he will listen when his teacher reads a story to him.
l. Ira's reading score on the Stanford Achievement Test (SAT) is 3.6.

10. You want to see your child's records. You can do this *if:*
a. the school agrees that you should see the records.
b. you pay the school to take the records out of the file for you to see.
c. you write a request to see the records.

CHECK YOUR ANSWERS BEFORE PROCEEDING (PAGE 33)

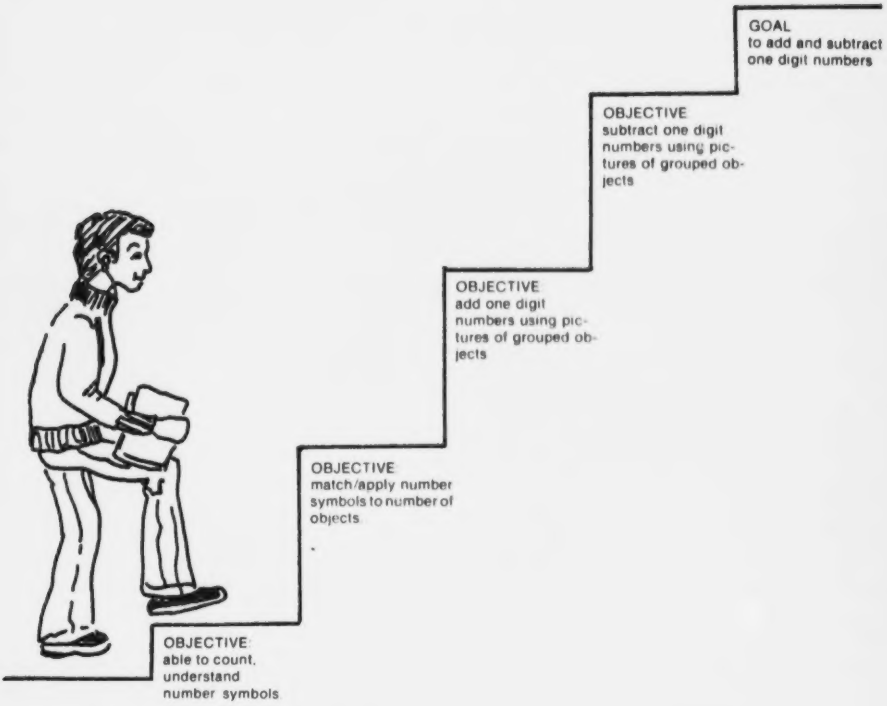
Goals and Objectives

The difference between goals and objectives is sometimes not very clear. However, goals are usually general and long range. For example, "Mary will be able to multiply and divide three-digit numbers." Objectives are short-term, more specific, and measurable. For example, "Mary will do multiplication without using the multiplication table or grouping objects." Objectives help build skills so that goals may be achieved. Goals may take several months or a full school year to achieve; objectives should take less time than goals.

First, the child's present performance ability is described. The child's needs are identified, and this becomes the basis for developing goals for the child by the IEP conference participants. Once the goals are written, short-term

objectives are then developed for each goal. The teacher will use these objectives to help the child move from his/her present level of ability to the goal level of ability.

Objectives may be considered as small steps between the child's present level and his/her expected level after several months or one year of school.


GOAL
to add and subtract one digit numbers
OBJECTIVE
subtract one digit numbers using pictures of grouped objects
OBJECTIVE
add one digit numbers using pictures of grouped objects
OBJECTIVE
match/apply number symbols to number of objects
OBJECTIVE
able to count, understand number symbols

Imagine that it is 1850 and you work for the U.S. Pony Express. Your goal is to deliver mail to California from Washington, D.C., and other cities. You must stop at Cincinnati, St. Louis, and Denver, to get a new horse, food, and supplies, as well as additional mail, on your way to San Francisco. Clearly, there is no way you could get to San Francisco without stopping at those cities.

Thus, Washington, D.C., represents your present status, San Francisco is your goal, and the three other cities become your objectives. You will have to achieve those objectives in order to reach your goal.

By the same token, San Francisco could become an objective if you have other goals, such as:

a. getting a boat to deliver the mail to Hawaii, or

b. setting up a new post office in San Francisco, or

c. once you are in California, quitting the Pony Express and becoming a gold miner.

An IEP will have several annual goals and each goal will have some objectives. Examples of goals and some objectives are as follows:

GOAL 1. The student will measure distance, volume, weight, and temperature using the metric system.

OBJECTIVE: The student will record observations in metric notation. measuring objects from the metric kit using the appropriate tools.

OBJECTIVE: The student will choose the correct metric words to use for measuring each of the following: distance, volume, weight, and temperature.

GOAL 2. The student will summarize the main ideas of stories, poems, and simple newspaper articles.

OBJECTIVE: The student will underline the main ideas in a newspaper article and re-tell the story in his/her own words to the class.

OBJECTIVE: The student will be able to do an interpretation of a poem without assistance.

GOAL 3. The student will increase his/her communication skill, using signs and speech intelligibly and simultaneously, from 45% to 85% of the time in the classroom.

OBJECTIVE: The student will increase use of voice when signing, from 45% to 85%.

OBJECTIVE: The student will demonstrate the ability to determine syllable number in words by articulating the appropriate number of syllables in rhythm with signing speed.

GOAL 4. The student will compare and contrast various forms of government and cultures, each in a report form.

OBJECTIVE: The student will report on the government and culture of a communist country of his/her choice.

OBJECTIVE: The student will outline at least five similarities and differences among the four main types of national governments.

GOAL 5. The student will demonstrate social and communication skills by increasing voluntary participation in after-school activities with peer groups.

OBJECTIVE: The student will join in at least two after-school activities (one social, one sports) with peer groups and show involvement by discussing the group activities and his/her role with the teacher.

OBJECTIVE: The student will show up on time and with the proper clothes or equipment for the activity.

If your school has a written curriculum guide that contains goals and objectives, your child's goals and objectives may be selected from this guide. If the school curriculum does not contain goals and objectives, or if your child needs different goals, then the participants should develop appropriate goals and objectives at the meeting. Some schools ask the conference group to write the goals, and then the teacher to develop the objectives after the IEP conference, using the goals developed by the conference participants. You should see the objectives so you know how the goals will be achieved and can use the objectives to check your child's progress towards his/her goals.

SELF-CHECK: CIRCLE THE APPROPRIATE ANSWERS. (Answers on page 33)

11. An annual goal is
    a. an expectation for your child which should be achieved by the end of the school year (June).
    b. a career for your child when he/she finishes school.
    c. a score that shows what your child has learned in school in one year.
12. Instructional objectives
    a. teach your child in a better way about the subject.
    b. help your child to move in steps from his/her present level to the goal level.
    c. tell the teacher what your child can or can't do.
13. Indicate whether the following is a present level of performance (P), goal (G), or objective (O).
    _____a. Mary has learned to identify living things and non-living things.
    _____b. Mary will study growth cycles of plants and animals.
    _____c. Mary will name the five parts of plants. Mary will demonstrate on a graph the four stages of the plant growth cycle.
    _____d. Dave will compute fractions, decimals, and percentages.
    _____e. Dave is able to compute numbers by addition, subtraction, multiplication, and division with 90% accuracy.
    _____f. Dave will state the correct fractions when given pictures of objects cut up in equal parts.

CHECK YOUR ANSWERS BEFORE PROCEEDING (PAGE 33)

What Services—and When?

The law recognizes that handicapped children will need special services not usually found in regular classrooms. It is important that these services be identified by parents and school representatives together. Special services are chosen on the basis of what is needed to help your child achieve the planned annual goals and short term objectives.

Services should be related to the goals and objectives. Since goals may relate to social, psychomotor, and emotional needs, as well as academic areas, the following may be ongoing special and/or related services for a deaf child:

Community — Family — Home placement
Psychological testing
Residence program
Vocational evaluation
Personal counseling/guidance
Family counseling
Parent education
Medical services
Special education evaluations
Advanced study at nearby college
Cooperative education (with nearby school or training program for any subject)
Interpreter services
Total communication approach
Communication evaluation (speech, auditory, manual) and therapy
Audiological equipment
Media/technology support services (captioned TV and films, etc.)
Visual perception training
Hearing aid loans, services, repairs
Tutorial services
Audiological evaluation
Organized after-school activities (related to social skills or conceptual development or self-help skills)
Orientation services (for work or alternative education experiences)
Curriculum specifically adapted to reinforce language growth
Transportation
Physical therapy
Sign language instruction

The school setting will determine which kinds of service will be considered **regular** and which **related. Related services** as defined in the law means transportation and such developmental and support services as speech pathology, audiology, psychological services, physical and occupational therapy, recreation, and counseling. Many of these related services may be considered a routine part of some special programs. For example, speech therapy, auditory training, and media support services are required by many programs for deaf children and are a regular part of the program. If a child's educational program requires specific services, the participants at the conference should discuss which services and write them down on the IEP form.

The law also states that dates on which the services will begin and end must be written on the IEP. The school must provide and pay for these services. (Note: If for any reason the school is not able to provide a service identified in the completed IEP, you should know about it. If the lack of this specified service, or the substitution of an alternative, would interfere with your child's progress and achievement of goals, your child's program may be considered inappropriate or inadequate; under PL 94-142, this would *not* be acceptable.)

SELF-CHECK: CIRCLE THE APPROPRIATE ANSWER. (Answers on page 33)

14. Special services are needed:
    a. to help the school know that the child is handicapped.

b. to help the child achieve his/her IEP goals and objectives.
c. to help the child become normal.

15. Special services are based on:
    a. the child's handicap.
    b. the child's educational, social, and emotional abilities and needs.
    c. the child's courses and teachers.
16. All special services identified in the IEP should be:
    a. the responsibility of the parents if the school is unable to provide them or pay for them.
    b. the responsibility of the school if the parents cannot find a way to provide or pay for them.
    c. the responsibility of the school to provide and pay for them.

CHECK YOUR ANSWERS BEFORE PROCEEDING (PAGE 33)

Criteria for Evaluation

The school must use objective criteria to evaluate the child's goals as written in the IEP. The annual goals and short-term instructional objectives should be written in such a way that they are measured easily, fairly, and reasonably. Then, it is much easier to evaluate progress toward these objectives and goals. Standardized tests and teacher-made tests are two ways that some goals and objectives can be measured. Other behaviors or objectives are best measured by observation and reporting. For example, a short term objective for a child may be "to finish his/her work within a reasonable amount of time." Two people may have different ideas on what a "reasonable amount of time" is. A test would not be appropriate for measuring "reasonable." Success can be measured by first specifying what would be a "reasonable amount of time" for that child (e.g., within the class period) and then observing and recording how often the child does finish his/her work in that amount of time.

Objective criteria, thus, would be related to the goals and objectives established for the child. Some samples of evaluation criteria for goals are as follows:

- with 90% (or whatever percentage) accuracy.
- correctly four out of six times.
- within 10 minutes (or a given period of time).
- as accepted or observed by the teacher and/or others.
- according to a teacher-made checklist of criteria.
- on a teacher-made test (or textbook tests).
- on a standardized achievement test.
- on a criterion-referenced test.

The schedule of review and evaluation of the child's progress (and, if necessary, revisions in the child's program) must occur **at least** once a year. More periodic reviews are a good idea in order to know if the child is making progress and to determine whether the IEP goals and objectives are still appropriate or need to be changed.

The child's teacher(s) will **usually** do this monitoring of the child's progress and make reports to the parents via report cards, other communication, or meetings with the parents. Parents may also check with the school periodically to monitor their child's progress or the implementation of the child's IEP. If the teacher thinks that the IEP should be revised, he/she should tell the school administrator and the child's parents; the law requires that the parents must be given prior notice, and the IEP conference procedure must be repeated all over again if any changes in the IEP are to be made.

SELF-CHECK: CIRCLE THE APPROPRIATE ANSWERS. (Answers on page 33)

17. Objective evaluation criteria
    a. measure the child's progress on the objectives toward the goals.
    b. evaluate how well the instructional objectives were written.
    c. prevent a teacher from making decisions.
18. Some of the following objectives have objective criteria. Indicate which ones do *not* have objective criteria. Underline the objective criteria in the objectives that do have them.
    a. Mary will improve in reading and show an appreciation for library books.
    b. Patty will spell 50 out of 60 words on a monthly word list correctly.
    c. Darla will be able to say 10 two-syllable words without pausing for breath.
    d. Darren will add and subtract two-digit numbers with 75% accuracy on a teacher-made test.
    e. Marty will take sewing three times a week and make five shirts.
    f. Woody will keep eye contact with the teacher for at least eight out of 12 intervals, each lasting five minutes.
    g. Henie will show a one-grade gain in social studies as measured by the Standardized Achievement Test, Level II.

CHECK YOUR ANSWERS BEFORE PROCEEDING (PAGE 33)

The Least Restrictive Environment

The law requires that the IEP conference team write a statement indicating how much time a child will spend in a regular educational program. This means both placement and how much time the handicapped child will be mainstreamed (in a regular class with non-handicapped children). This deals with the concept of **least restrictive environment.**

Each state must have available a variety of placement options (choices):

- Regular class with needed special services.
- Regular class part of the time, and resource room, service, or special class part-time.
- Special class full-time, in regular school.
- Class in special school, full-time.
- Instruction in home or hospital.

It is the intent of the law that the placement must be appropriate for the child and that consideration must be given to any potentially harmful effect on the child or on the quality of services which he/she needs. The decision on placement will be made on the basis of the following:

The Handicapped Child

- The child's needs: educational, social, emotional, and physical.
- The child's abilities: approximate grade-level, language, communication and comprehension skills, performance in the academic areas, social and emotional maturity, interpersonal skills.

The kind of program needed for achievement of handicapped child's IEP goals and objectives

- Nature and scope
- Quality
- Location
- Budget

The needed support system(s)

- Competent and trained staff (teachers, audiologist, speech therapist, interpreters, counselor, etc.)
- Special services (see list on page 18)
- Equipment and materials
- After-school activities and transportation

SELF-CHECK: CIRCLE THE APPROPRIATE ANSWER. (Answer on page 33)

19. The law says that placement *must* be:

a. based on the child's needs and abilities as identified on the IEP and appropriateness of the type and services in the placement option.
b. in the least restrictive environment (class with normal children) either part-time or full-time.
c. in a program that has teachers and staff who are trained to work with children who have the same type of handicap that your child has.

CHECK YOUR ANSWERS BEFORE PROCEEDING (PAGE 33)

Signing the Completed Form

The IEP form will have space for signatures of all the people who participated in the IEP Conference. It is important to know what your signature on the IEP means. Does it mean that you agree with the contents of the IEP? Or does it mean just that you participated in this meeting, with space for you to write whether you agree or disagree with the IEP?

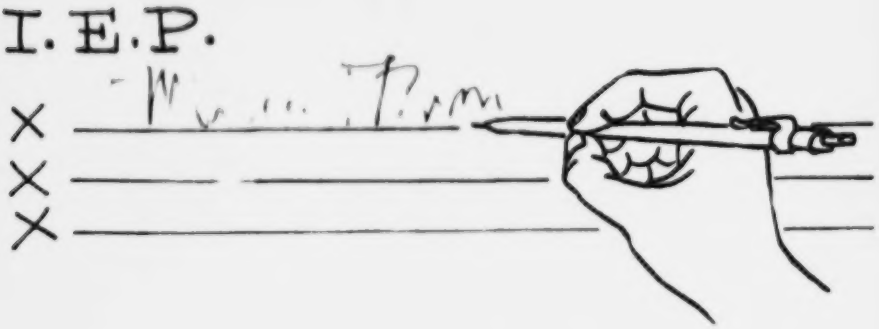
The signature of the school administrator and child's teacher(s) means that they believe that the IEP is appropriate for the child and promise to follow it. (Note: However, the IEP is *not* a legal contract. The school cannot promise success, but it must meet its responsibility to give an individualized program as written in the IEP conference. In other words, if the child does not achieve the stated goals and objectives after the school *has* made all good faith efforts to help the child and to provide the special services, the school or the staff cannot be legally held responsible for the child's failure. However, parents do have the right to complain, to review the IEP, to ask for revisions, and to begin due process (grievance) procedures if the parents feel that the school is not making the appropriate effort.)

So, should you sign the IEP? If you agree, sign it. This will indicate that you know what the child's educational program will be like and that you want the school to go ahead and provide it.

If you are not sure whether you agree, you can request that you be given a short period of time (recommendation: less than a week) to think it over. You may want to take a copy home with you or to discuss it with other people who may be knowledgeable about your child, his/her handicap, needs and abilities, and/or the proposed placement. But you should make the decision in a short period of time about whether you will agree or disagree with the IEP so that the appropriate action (the placement, the programming, the revisions of the IEP, or the grievance procedures) can begin as soon as possible, because the school will begin with its required responsibility of educating your child whether or not you agree with the IEP.

If you do *not* agree with the IEP, and refuse to sign it, one of the following may happen:

- If the child is now in the program, the school may go ahead with the IEP, without your signature, *or* the school may schedule another IEP meeting with you to discuss it more, *or* the school may make some changes in the IEP *if appropriate for the child,* at this meeting, so that you will sign the IEP.
- If your child (age five to 18) is currently *not* in any program, the school or LEA may start legal action to enroll the child in an appropriate program, since PL 94-142 says that each handicapped child must have an educational program.
- If your child is currently in a program, and the IEP team wants to change your child's placement or program to one that you feel is not appropriate, you have the right to ask (in writing) for a due process (grievance) hearing. Meanwhile, the child must stay in his/her present school, unless you and the school agree otherwise.
- If your child is *not* in any program, and you want the child in school and file a due process request, then the child must be placed in the public school program at least until the completion of all due process proceedings.



SELF-CHECK: CIRCLE THE APPROPRIATE ANSWERS. (Answers on page 33)

20. Your signature on the IEP form will usually indicate that:
    a. you agree with the child's educational plan and you expect the school to follow it, including the provision of special services.
    b. you agree that the school does know what is appropriate for your child and you expect them to educate your child.

c. you agree that all responsibility for your child's education belongs to the school, and you approve of whatever decisions they will make for your child.

21. If you refuse to sign the IEP form,
    a. the school may become angry with you and refuse to work with your child.
    b. this means that you won't pay the costs of educating your child.
    c. this means that you do not agree with the school's recommendations for your child.

22. If you do *not* agree with the IEP, you should:
    a. keep your child at home until you get what you feel would be an appropriate IEP for him/her.
    b. let your child continue in school and meet with the principal to make sure that the teacher knows what you want for your child.
    c. write your complaint to the school and continue meeting with the school or LEA in order to get an appropriate IEP *or* request a due process hearing.

CHECK YOUR ANSWERS BEFORE PROCEEDING (PAGE 33)

After the IEP Conference

Parents can request a copy of the completed IEP. Once the IEP is completed, the school begins with the responsibility of implementing that Individualized Educational Program. The teacher(s), with the help of the supervisor and specialists, decides the best way to help the child achieve the short-term objectives. The teachers use the IEP and develop lesson plans and materials to help the child succeed. When planning in one area the teachers must think about the child's abilities in all the areas. For example, in planning a science lesson, some of the things a teacher must remember are how well the student can read and write, use numbers, and work independently.

Through joint efforts of parents, school faculty, and local educational agencies, improved educational planning and programming for handicapped students can become a reality under Public Law 94-142.

Major Checkpoints

This list contains important points to keep in mind and to follow when you participate in school meetings about your child's educational program, according to PL 94-142.

Individualized Education Program (IEP)

1. The IEP must be individualized for each handicapped child.
2. The IEP should focus on all the areas needing improvement or special services.
3. The IEP should be a one-year plan; the goals should reflect expected achievement within one school year.
4. The IEP must include the child's present level of performance.
5. The IEP must include annual goals. (September to June)
6. The goals must state clearly the expected achievement for the child.
7. The goals must be based on an appropriate evaluation of the child's present level of performance.
8. The IEP must include short-term objectives.
9. The objectives must relate to the goals.
10. The IEP must include all special services needed to achieve the goals and objectives.
11. The IEP must include time schedules for special services.
12. The IEP must include objective evaluation criteria for the objectives (and goals).
13. The objective criteria should appropriately measure the accomplishment of the objectives (and goals).

IEP Conference

14. The school must schedule an IEP Conference.
15. The school must make efforts to include parents.
16. The IEP conference should be scheduled at a time and place convenient for both the parents and the school.
17. The IEP Conference letter to the parents must be clear and understandable (or communicated in the parents' native language if possible).
18. The IEP Conference must be in the parents' native language or mode of communication, or an interpreter must be hired by the school.
19. The IEP must be developed and written in an IEP meeting.
20. Parents should participate (not merely react) in the development of their child's IEP.
21. Representatives of the school must include an administrator and the child's teacher.

Rights

22. A handicapped child has the right to an appropriate educational program at no cost to parents.
23. Parents have the right to see school records and information about their child.
24. Parents have the right to an independent evaluation.
25. Parents should be informed of their rights under due process safeguards by the school.
26. Parents have the right to review and ask for revisions of their child's IEP.
27. Parents have the right to ask for a due process hearing.
28. The impartial hearing officer must not be biased or an employee of the involved school.
29. Due process must contain provisions for a free appeal to a higher (state) level.
30. Parents have the right to confidentiality.

Self-Check

Problem Spotting

Read the following stories where the intent of PL 94-142 is not being followed. Use the major checkpoints on pages 26 and 27 to identify the problems. Several checkpoints will apply to each story. Write the numbers of the checkpoints under each story. The answers are on page 34.

Situation #1

The school needs to develop an IEP for Denise. The teacher gathered information on Denise, and, in consultation with her speech pathologist and resource room teacher, developed an IEP which included only that, based on speech evaluation data, Denise needed more speech therapy in order to increase speech intelligibility, goals and objectives in speech, and specified that she would receive this special service occasionally.

The teacher sends Denise's parents a letter containing an explanation of PL 94-142, due process rights, and a copy of the IEP. Denise's parents review the IEP, sign it, and return it to school.

List Major Points That Were Overlooked:

Situation #2

Debbie Monson and her family are deaf and use sign language. They are in an IEP meeting with the school. Debbie is in her fifth year in this school and loves it. Debbie's teacher knows some signs, but the other school represen-

tatives do not, so the Monsons have some difficulty understanding the conversation. They had received a letter from the school explaining about the IEP meeting, but they were not sure what they were supposed to do.

The IEP team reviews Debbie's evaluation data and present level of performance and develops the IEP. The Monsons do not ask many questions, they sign the IEP and leave, relieved that the meeting is over and wondering why it was necessary.

List Major Points That Were Overlooked:

Situation #3

Frank Dellan has a very dedicated new teacher, who, on the basis of her contacts with Frank, developed a complete set of IEP goals, objectives, services, and criteria, which was sent home in draft form for review by the Dellans prior to the IEP meeting. At the IEP meeting between the teacher and the Dellans, some modifications were suggested by the parents which were incorporated, and then the IEP form was filled out and signed by the Dellans. Afterwards, the Dellans can't understand why Frank continually complains that the schoolwork is easy and boring. However, the Dellans decide to wait until the next semi-annual teacher-parent conference before they bring this up since Frank's teacher is busy.

List Major Points That Were Overlooked:

Situation #4

Shelly Brown's IEP goals and objectives were well-developed and based on good assessment data. The questions at the IEP meeting were the placement and the special services needed. The IEP team decided that the neighborhood school would be a good placement choice for Shelly, even if it did not have available the full support personnel that Shelly would need. The parents were told that itinerant teachers would visit Shelly in the school regularly, once a week, to provide some speech and language therapy which should be supplemented with an individual speech tutor in the evenings, at a very low fee which the parents could reasonably afford, in order that Shelly's IEP goals could be met.

List Major Points That Were Overlooked:

Situation #5

Tim Jennan's school wrote his parents, giving them a date for an IEP Conference. Because that time and date were not convenient, Tim's parents could not attend the conference. The school, not hearing from the Jennans, went ahead with the IEP Conference and sent the Jennans a copy of the completed IEP. The Jennans disagreed with the school's description of Tim's present level of performance and made an appointment to see Tim's school

records. Not satisfied with the records, they requested an independent evaluation. The school stated that by missing the IEP Conference, the parents had forfeited their chance to get free evaluations or to change the IEP this year; however, another meeting would be set up at the end of the school year to develop another IEP for the following year. The rationale for this was that the IEP for Tim was one developed for Tim's class and it was too late to change his program or class.

List Major Points That Were Overlooked:

Situation #6

This is a part of Randy Dunkle's IEP.

MATH:

Present level of performance: Math SAT grade 4.6
Goal: To learn math
Objective 1) to improve addition and subtraction
2) to improve attention during math classes
3) to improve math vocabulary
Objective Criteria: Math SAT grade 5.5

List Major Points That Were Overlooked:

Situation #7

Jenny Bean's IEP was developed by an IEP team including her parents three years ago. Jenny had not been able to achieve the goals in the IEP, so the team said that the IEP was still valid because Jenny still needed to achieve the goals. In this year's IEP meeting, the Beans discussed Jenny's inability to achieve the goals and asked that the IEP be revised to be made more realistic and appropriate for Jenny. The school disagreed, saying that the goals were still desirable and that Jenny would have to work harder. After unsuccessful attempts to get the IEP revised, the parents filed a request for a due process hearing.

The hearing was conducted in Jenny's school by the school principal who served as the hearing officer. The decision was that the IEP was an appropriate long-range plan for Jenny. The parents were told that the decision was final; if they wanted to appeal, they would have to pay court expenses.

List Major Points That Were Overlooked:

Conclusion

You have now completed a Parent's Guide to IEP. We hope that it helped you to understand PL 94-142, your child's IEP, and your rights and role as a parent.

Some reference books and resource organizations which may be helpful to you are listed on pages 31 and 32. For a copy of PL 94-142 and the Regulations, ask the director of your child's program, the county or state Board of Education, or your congressman, or write to:

Assistance to the States
Bureau of Education for the Handicapped
400 Maryland Avenue, S.W.
Washington, DC 20202

School administrators, other parents who have gone through the process, and deaf adults who know PL 94-142 and Section 504 can also help you to be an advocate of your child's right to a full and appropriate public education.

Actually, this is not the end, but the beginning of your involvement on the team that will plan your child's future education. Good luck!

Agencies and Organizations

A.G.Bell Association for the Deaf
3417 Volta Place, NW
Washington, DC 20007

American Society for Deaf Children
814 Thayer Avenue
Silver Spring, MD 20910

Center for Curriculum, Training, and Outreach
Pre-College Programs
Gallaudet College
Washington, DC 20002

Children's Defense Fund
1520 New Hampshire Avenue, NW
Washington, DC 22036

Council for Exceptional Children
1920 Association Drive,
Reston, VA 22091

National Association for the Deaf (NAD)
(also includes Junior NAD)
814 Thayer Avenue
Silver Spring, MD 20910

National Association of State Directors of Special Education (NASDSE)
1201 16th Street, NW
Washington, DC 20036

National Center for Law and the Deaf
Gallaudet College
Washington, DC 20002

Office of Special Education Programs
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Registry of Interpreters for the Deaf
814 Thayer Avenue
Silver Spring, MD 20910

Additional Resources

Information on Deafness

Forecki, Marcia Calhoun, *Speak to Me*. Gallaudet College Press, 1985, 150 pages, $8.50. A mother's account of her struggle to deal with her child's deafness.

Greenberg, Joanne, *In This Sign*. Holt, Rinehart, Winston, 275 pages, $5.95. The poignant story of a hearing child and her deaf parents.

Lane, Harlan, *When the Mind Hears*. Random House, 1986, 414 pages, $25.95. A comprehensive history of deafness, sign language, and education of deaf people.

National Center for Law and the Deaf, *Legal Rights of Hearing Impaired People*. Gallaudet College Press, 1984, 193 pages, $12.95.

Ogden, Paul W. and Lipsett, Suzanne, *The Silent Garden: Understanding the Hearing Impaired Child*. St. Martin's Press, 227 pages, $12.95.

Spradley, Thomas, and James P. Spradley, *Deaf Like Me*. Gallaudet College Press, 1985 edition, 202 pages, $6.95 (paperback). Parents struggle to educate their deaf child.

Deafness, Education, and the IEP

Anderson, Winifred, et al., *Negotiating the Special Education Maze: A Guide for Parents and Teachers*. Columbus, OH: LINC Resources, Inc., 1982, 156 pages. Helping parents find special education for their children.

Cutler, Barbara Cyne, *Unraveling the Special Education Maze: An Action Guide for Parents*. Boston, MA: Boston University Dept. of Sociology, 1981, 300 pages. The author, an educator and parent of an autistic child, shows parents how to become effective advocates, familiar with PL 94-142.

Maryland Office of Special Education, *Hand-in-Hand: Parents and Educators Building a Partnership*. Baltimore, MD: Maryland Dept. of Education. This overview of federal and state (MD) legislation on children with handicaps is designed to help parents become partners with the schools.

National Information Center on Deafness, *A Parent's Guide: The IEP and Public Law 94-142*. Gallaudet College Press, 800 Florida Avenue, NE, Washington, DC 20002, $0.35.

Turnbull, Ann P., Strickland, Bonnie, and Brantley, John C., *Developing and Implementing Individualized Educational Programs*, 2nd edition. Merrill, 1982, 384 pages, $18.95.

Answers to Self-Check

1. b
2. a
3. b
4. a — must
   b — may
   c — must
   d — may
   e — must
   f — may
   g — may (if appropriate)
   h — may

   Note: there must be a representative of the LEA at the meeting. This representative could be either directly from the LEA or a qualified administrator or teacher from your child's school.
5. c
6. b
7. c
8. f
9. c and f are goals
   c, f, and i do not describe the child's *present* level of ability
10. c
11. a
12. b
13. a — P
    b — G
    c — O
    d — G
    e — P
    f — O

    REMINDER
    Present level of performance describes what your child can or can't do *now*.
    Goal is a general expectation of what your child will be able to do within one school year or less.
    Objective is a smaller step that is needed to help your child reach his/her goal.
14. b
15. b
16. c
17. a
18. a. Because the terms "improve" and "appreciate" are not specified, how will you know that Mary has improved? These are not objective criteria.
    b. 50 out of 60 words, correctly
    c. 10 words, without pausing for breath
    d. 75% accuracy on a teacher-made test
    e. How will Marty's sewing skills be evaluated? What must the quality of the shirts be in order to be considered "satisfactory?" Buttons and buttonholes properly spaced? Correct length of sleeves? Made to fit Marty? etc.
    f. Eight out of 12 intervals, for five minutes each
    g. One-grade gain, SAT Level II
19. a
20. a
21. c
22. c

Answer Key for Situations

Situation #1: 2, 11, 12, 14, 15, 19, 20, 21

Situation #2: 17, 18, 20

Situation #3: 4, 6, 21, 25, 26

Situation #4: 10, 22

Situation #5: 1, 15, 16, 19, 20, 24, 25, 26

Situation #6: 6, 9, 13

Situation #7: 3, 5, 28, 29

NOTE: There may be other appropriate answers in addition to those listed above.

Gallaudet
Pre-College Programs